

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MUQTASID A. QADIR,	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO.4:07-CV-114-Y
	§	
NATHANIEL QUARTERMAN, Director,	§	
T.D.C.J.,Correctional	§	
Institutions DIV.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Muqtasid A. Qadir under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 29, 2007; and
3. The Petitioner's written objections to the proposed findings, conclusions and recommendation of the United States magistrate judge filed on July 13, 2007.

The Court, after de novo review, concludes that petitioner Qadir's objections to the magistrate judge's findings, conclusions and recommendation must be overruled, and that the petition for writ of habeas corpus should be dismissed with prejudice as time-barred under 28 U.S.C. § 2244, for the reasons stated in the magistrate judge's findings and conclusions.

Qadir initiated this action with a document entitled "Motion pursuant to the Federal Rule of Civil Procedure [FRCivP] 60(b)," which was construed by the Court as a petition under 28 U.S.C. § 2254. Qadir also filed at that time, a motion for leave to present newly discovered evidence under FRCivP 60(b), and later filed a motion for summary judgment. These motions each present the same frivolous contention by Qadir that he can initiate a new suit under

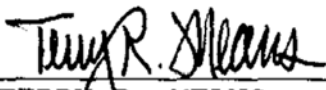
Rule 60(b), which argument was rejected by the Court. Thus, the motions must be denied, and to the extent Qadir's objections again challenge the Court's determination that the initial pleading in this action was construed as a petition for writ of habeas corpus under 28 U.S.C. § 2254, such objections must be overruled, for the reasons stated in the February 22, 2007, Order Construing the Motion for Relief from Judgment as a Petition for Writ of Habeas Corpus, and for the reasons stated in the March 20, 2007, Order Overruling Petitioner's Objections to the Ruling of the Magistrate Judge.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Qadir's motion for leave to present newly discovered evidence [docket no. 17], and his motion for summary judgment [docket no. 40] are DENIED.

Muqtasid A. Qadir's petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

SIGNED July 18, 2007.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE